

Arthur Lewis
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Brief
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on March 8, 2004 (Date of Transmission)



Craig S. Fischer
By

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27662

PATENT TRADEMARK OFFICE

PATENT
Attorney Docket No.: MCS-003-98
MSFT No.: 126595.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of: FELDSTEIN et al.

Serial No.: 09/295,864

Group Art Unit: 3622

Filed: April 21, 1999

Examiner: D. Champagne

For: **SYSTEM AND METHOD FOR DYNAMICALLY
PROVIDING PERSONALIZED TRACKED DATA
AND AUTOMATICALLY UPDATING THE DATA**

REPLY BRIEF

In response to the Examiner's Answer dated January 8, 2004 (Paper No. 18), the following remarks are presented. These remarks are presented in addition to, and not

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in place of, the remarks presented in the Appeal Brief, which is of record.

THE EXAMINER'S REVISED RATIONALE

The Examiner's Answer ("the Answer") set forth a revised rationale for the rejection of claim 1-9, 12-22, 25-28, 30 and 32. In particular, the revised rationale is that Bull et al. teach all the elements of the Appellants' claimed invention except that "Bull et al. does not teach adjusting the results dynamically on the client by a user's interaction with the results." However, the Answer stated that Gifford "teaches, as follows, adjusting the results dynamically on the client by a user's interaction with the results. First, Gifford teaches reviewing results and submitting a revised query based on that review (col. 6, lines 22-26), which reads on adjusting the results by a user's interaction with the results. Second, Gifford teaches (col. 10, lines 35-48) processing user requests dynamically on the client. Gifford teaches that this permits the user's most frequent requests to be answered from the local terminal (client, col. 10, lines 39-41)."

In response to this revised rationale set forth in the Answer, the Appellants present the following arguments.

ARGUMENT

The Rejection under 35 U.S.C. § 103(a) of Claims 1-9, 12-22, 25-28, 30 and 32

It is the Appellants' position that the combination of Bull et al. and Gifford lacks at least one material feature of the Appellants' claimed invention. Namely, the combination of Bull et al. and Gifford fails to disclose, suggest, or provide motivation for, either explicitly or implicitly, the Appellants' claimed feature of adjusting of results dynamically by a user's interaction with the results. In particular, in Gifford, a user simply does not adjust results, but only interacts with queries to first select a data base subset prior to retrieving any results.

In the Appellants' claimed invention, results are generated in response to an initial (and subsequent) query. These results can include sub-items and rules of enforcement of

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the results and the sub-items. In particular, the query and trackable data are processed to produce new personalized results for new queries or updated personalized results for subsequent queries. Thus, the results are data from the database in response to a query.

In contrast, Gifford merely teaches interacting with queries, not results. Specifically, Gifford teaches a "new data base model . . . called a predicate data base model" (col. 5, lines 2-4). The "predicate data base consists of a set of records" (col. 5, line 9). A subset of these records responsive to a query would be analogous to the "results" of the Appellants' claimed invention.

The purpose of the Gifford invention is to "restrict inquiries" about the database "to a subset of the records in the data base" (col. 5, lines 17-18). Specifying a subset of the data base is call a "query" and the "computation of the data base subset responsive to a query is referred to 'query processing'" (col. 5, lines 18-21).

This is the purpose of Gifford, and what is taught in Gifford, namely, the selection of a data base subset that can provide answers to a query. The selection of that data base subset may involve numerous revisions to a query. This is done to ensure that the query is completely contained in the data base. However, the user is still interacting and revising a query, not the results connected with that query. In Gifford, it is only after a selection of a data base subset that a subset of the records (or results) are retrieved from the data base subset. In particular, "[O]nce a subset has been selected, the records contained in the subset can be retrieved or deleted" (col. 5, lines 21-22).

The Answer maintained that "Gifford teaches reviewing results and submitting a revised query based on that review (col. 6, lines 22-26)". However, this is an erroneous interpretation of that passage in Gifford. In actuality, the passage refers to the process of selecting a data base subset. This process occurs prior to any retrieval of records (or results) in response to a query.

More specifically, referring to FIG. 2 of Gifford, if a user requests records in

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response to a first query (query "Q1"), the process of selecting a data base subset begins. As shown in FIG. 2 of Gifford, Q1 can thus describe a subset of the records that "that is only partially contained in data base 50, but is contained entirely in data base 52. Thus, the query Q1 can most advantageously be processed at data base 52" (col. 6, lines 12-16; emphasis added). The subset of records is not retrieved until after the data base selection process. In other words, only after this selection process is a subset of records for the query retrieved from data base 52.

Similarly, referring to FIG. 2 of Gifford, if a user submits a second query ("Q2") that requests records relating to that query, then Q2 can describe a subset of the records "that is only partially contained in data base 52. In this case, the apparatus and method cannot guarantee that the result of processing query Q2 at data base 52 will find all of the information of interest. In accordance with the preferred embodiment of the invention, the apparatus suggests another query to the user, a query designated as 54, which is completely contained in data base 52. If the user agrees to this revised query, the result set will be fully contained in the data base 52" (col. 6, lines 16-26; emphasis added).

Thus, Gifford attempts to select a data base subset that provides a subset of records to answer the query. At no point, however, does Gifford disclose interacting with a subset of the records (or results). Interaction only occurs with the query. As quoted in Gifford above, the user merely interacts with the initial query and suggested revised queries, but not the results of the query.

Clearly the Answer's interpretation of column 6, lines 22-26 of Gifford is incorrect. This passage does not, as the Answer states, teach "reviewing results and submitting a revised query based on that review". Instead, as explained above, this passage of Gifford actually refers to a user interacting with queries during the selection of a data base subset. Only after this selection process is completed are a subset of records (or results) of the query retrieved from the database. However, unlike the Applicants' claimed invention, nowhere does Gifford disclose a user interaction with the results, just the queries.

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In addition to lacking the claimed feature of adjusting the results dynamically by a user's interaction with the results, the combination of Bull et al. and Gifford also fails to appreciate or recognize the advantages of this claimed feature. More specifically, real-time user interaction with the results on the client enables the user to "quickly access and adjust information dynamically and in real time without server delays" (specification, page 5, lines 16-17). In addition, by using the client to process information, user input can be processed to "allow the real time interactivity in the form of manipulation, filtering and viewing of the results" (specification, page 15, lines 15-16). In contrast, the combination of Bull et al. and Gifford nowhere recognizes, discusses or appreciates these advantages of the Appellants' claimed feature of adjusting of results dynamically by a user's interaction with the results.

Accordingly, the Appellants respectfully submit that independent claim 1 is patentable under 35 U.S.C. § 103(a) over Bull et al. in view of Gifford based on the legal and technical arguments set forth above and below. Independent claims 12, 25 and 32 also contain this patentable feature. Thus, the above arguments also apply to independent claims 12, 25 and 32. Moreover, claims 2-11 depend from independent claim 1, claims 13-24 depend from independent claim 12, claims 26-31 depend from independent claim 25 and are also nonobvious over Bull et al. in view of Gifford (MPEP § 2143.03). The Appellants, therefore, respectfully request reexamination, reconsideration and withdrawal of the rejection of claims 1-32 under 35 U.S.C. § 103(a) as being unpatentable over Bull et al. in view of Gifford and the other references (as discussed in the Appeal Brief).

The Appellants, therefore, submit that obviousness cannot be established since the combination of Bull et al. and Gifford fails to disclose, suggest, or provide motivation for, either explicitly or implicitly, the Appellants' claimed feature of adjusting of results dynamically by a user's interaction with the results. Further, the combination of Bull et al. and Gifford fails to appreciate advantages of this claimed feature.

SUMMARY

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For the foregoing reasons, the Appellants submit that the rejection of claims 1-32 is erroneous. Therefore, the Appellants respectfully request reversal of the rejections.

Respectfully submitted,
Dated: March 8, 2004

A handwritten signature in white ink on a black rectangular background. The signature appears to be 'Craig S. Fischer'.

Craig S. Fischer
Registration No. 42,535
Attorney for Appellants

LYON & HARR, L.L.P.
300 East Esplanade Drive, Suite 800
Oxnard, CA 93036-1274
Telephone: (805) 278-8855
Facsimile: (805) 278-8064

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LYON HARR
A LIMITED LIABILITY PARTNERSHIP

300 ESPLANADE DRIVE, SUITE 800
OXNARD, CALIFORNIA 93030

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TELEPHONE: (805) 278-8855
FACSIMILE: (805) 278-8084
EMAIL: Mail@CuttingEdgePatents.com

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From: Craig S. Fischer

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1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page);
2. Reply Brief to the Examiner's Answer (6 pages).

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